2026:AHC:212125

Reserved on 16.7.2026

Delivered on 9.10.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 2755 of 2024

Sri O.P. Yadav, Owner Madhav Cold Storage

.....Appellant(s)

Versus

Sri Jamuna Prasad And Another

.....Respondent(s)

Counsel for Appellant(s)	:	Agnivesh, Jadu Nandan Yadav
Counsel for Respondent(s)	:	Arun Kumar Tiwari

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Heard Sri Jadu Nandan Yadav, learned counsel for appellant and Sri Arun Kumar Tiwari, learned counsel for respondents.

2. This appeal has been filed on behalf of the appellant- Sri O.P. Yadav, who is the owner of Madhav Cold Storage Ounchha, District Mainpuri, with a prayer to set aside the impugned judgment and order dated 17.10.2024 passed by Commissioner, Workmen's Compensation Act, 1923 and Assistant Labour Commissioner, Kanpur Region, Kanpur in E.C. Case No. 201/2015 (Sri Jamuna Prasad and another vs. Sri O.P. Yadav) whereby compensation of Rs. 8,62,140/- has been awarded to the claimants.

3. Briefly stated, the respondent no.1 filed a claim petition regarding Workmen compensation before the Commissioner, Workmen's Compensation Act/Assistant Labour Commissioner, Kanpur Region, Kanpur seeking compensation on account of death of Saurabh Pal who was employed in the Cold Storage of the appellant as Machine Mechanic (Operator). It is alleged that on 12.04.2014 at around 9:00 pm, that the defendant illegally pressurised the deceased to start the cold storage machine. The deceased tried to start the machine but because of some technical fault the same could not function, instead, the deceased got electrocuted due to the same, he died on the spot. Said claim petition was allowed by Commissioner Workmen's Compensation Act/Assistant Labour Commissioner vide its judgement dated 17.10.2024 and an amount of Rs. 8,62,140/- was awarded alongwith an interest of 12% per annum.

4. Learned counsel for the appellant, submitted that Commissioner Workmen's Compensation Act/Assistant Labour Commissioner has failed to appreciate the available evidence on record and has recorded findings against the settled laws as well as the available facts. It was submitted that respondent had miserably failed to prove relationship of master and servant between the owner of the cold storage in question and the deceased.

5. It is submitted that there was no master and servant relationship between the deceased and the appellant, and the deceased Saurabh Pal came to meet his brother, Pankaj, who was employed in the appellant's cold storage, in the cold storage. That the learned Commissioner failed to consider the fact that the deceased Saurabh Pal was only a high school graduate and possessed no skills with regard to being an operator, therefore, could not be employed as an operator in the cold storage. However, the claims on behalf of the respondent was accepted by the Workmen's Compensation Act/ Assistant Labour Commissioner without giving due regard to this fact. The said award by taking into account the submissions of the respondent without any substantial proof for the same, was passed without determining the loss of earning capacity of the deceased. It is also alleged that the deceased was receiving a salary of Rs. 10000/- from the appellant at the time of the accident, however, no substantial proof has been provided for the same. Learned counsel for the appellant has framed the following substantial question of law in this appeal:-

"(i) Whether, learned Commissioner, Workmen's Compensation Act was justified in treating the deceased in skilled category mechanic (operator) in absence of technical diploma or technical training?

(ii) Whether, in absence of any documentary proof regarding the employment of the deceased in appellant's Cold Storage the learned Commissioner, Workmen's Compensation Act was justified in assuming the deceased under the employment of the appellant?

(iii) Whether, learned Commissioner, Workmen's Compensation Act was justified in ascertaining the per month minimum wages of Rs. 7839.42 in absence of any technical qualification or training?"

6. Per contra, learned counsel for the respondent-claimant submitted that this appeal as such is not maintainable because all the questions raised by the appellant are questions of fact and they do not constitute substantive questions of law. All the issues are disputed questions of fact which were appreciated, determined and thereby decided by the Commissioner, Workmen's Compensation Act. The issues of fact decided by Workmen's Compensation Commissioner cannot be challenged in an appeal under

Section 30 of Workmen's Compensation Act, 1923. If any such appeal raising questions of fact is filed, the same is liable to be dismissed as held by Hon'ble Supreme Court in **North East Karnataka Road Transport Corporation vs. Smt. Sujata 2018 (4) TAC 673 (SC)** and **Golla Rajanna etc. etc. vs. Divisional Manager and Another 2017 (1) TAC 259 (SC)**.

7. Heard learned counsel for the parties and perused the records.

8. It is very much evident that the grounds of appeal do not consist any substantive questions of law. Question regarding the relationship between the master and servant as well as considering documentary evidence of employment of the deceased by the Commissioner, Workmen's Compensation Act etc. are purely questions of fact and cannot be entertained in an appeal filed under Section 30 of Workmen's Compensation Act.

9. Hon'ble Supreme Court in **North East Karnataka Road Transport Corporation (supra)** held that such issues are essentially the questions of fact. Once they are proved either way, the findings they are on record are the findings of fact.

10. Hence, this appeal, which is based on purely a question of fact, is not maintainable and is liable to be dismissed.

11. In view of the above, this appeal is dismissed and the impugned judgment and award is upheld.

October 9, 2026
Ujjawal

(Anil Kumar-X,J.)

Digitally signed by :-
UJJAWAL
High Court of Judicature at Allahabad